

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHNNIE T. JOHNSON, JR.,

Petitioner,

Case No. 14-cv-14770

v.

HON. MARK A. GOLDSMITH

CATHY STODDARD,

Respondent.

OPINION AND ORDER
(1) GRANTING PETITIONER'S MOTION FOR NON-PREJUDICIAL DISMISSAL
(Dkt. 15); (2) DISMISSING WITHOUT PREJUDICE THE PETITION FOR A WRIT OF
HABEAS CORPUS (Dkt. 1); AND (3) DENYING A CERTIFICATE OF
APPEALABILITY

This matter is before the Court on Petitioner's motion to voluntarily dismiss his pending petition for a writ of habeas corpus (Dkt. 15), so that he may return to the state courts to pursue further challenges to his state criminal proceedings. The Court previously denied Petitioner's motion to stay the proceedings and hold this case in abeyance. See 9/10/2015 Order (Dkt. 14). Given that Petitioner seeks to exhaust additional issues in the state courts, and given that he has sufficient time to do so within the one-year statute of limitations applicable to federal habeas actions, dismissal of the present petition is appropriate.

Accordingly, the Court grants Petitioner's motion for non-prejudicial dismissal (Dkt. 15), and dismisses the petition for a writ of habeas corpus without prejudice. Additionally, the Court denies a certificate of appealability, as reasonable jurists could not debate the correctness of the Court's procedural ruling. See 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b); Slack v. McDaniel, 529 U.S. 473, 484-485 (2000). This case is closed. Should Petitioner wish to seek federal

habeas relief following the exhaustion of state court remedies, he must file a new habeas petition in federal court within the time remaining on the one-year period of limitations.

SO ORDERED.

Dated: October 14, 2015
Detroit, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on October 14, 2015.

s/Karri Sandusky for
Johnetta M. Curry-Williams, Case Manager